S.B. Civil Writ Petition NO.106/2004
(Suresh Bhandawat Vs. Jodhpur Vidyut Vitaran Nigam Ltd., Jodhpur & Ors.)

Date of order : 18.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Sundeep Bhandawat, for the petitioner.
Mr. S.N. Tiwari, Dy. Govt. Advocate.
Mr. Vijay Bishnoi, for the respondent

By way of filing the present writ petition, the petitioner has challenged the impugned electricity bill dated 03.01.2004 (Annexure-3) issued by the respondent No.2. It has been further prayed that the respondents may be restrained from taking any coercive steps for recovery of the outstanding dues until the decision of writ petition.

I have heard learned counsel for the parties and perused the contents of the writ petition as well as the documents annexed with the writ petition.

Learned counsel for the petitioner has contended that earlier the electricity connection was for domestic supply but thereafter, in the premises in question, a recognized educational institution is running. In the present case, the institution is a Girls School, which is a charitable institution, fully recognized and aided by the Government. Therefore, by all angles, the demand raised by the respondents is illegal and arbitrary.

Learned counsel for the non-petitioners first of all raised preliminary objection that the electricity connection for which the dispute has been raised was sanctioned in the name of Shri Navratan Bhundawat as evident from Annexure-1 and 2, then how the petitioner is challenging the action of the respondents and how he is aggrieved because the demand was raised in the name of Shri Navratan and this petition has been filed by Suresh Bhandawat. The petitioner has no locus standi to file the present writ petition. It is also submitted that there is efficacious alternative remedy available to the petitioner to approach before the Settlement Committee, constituted under the General Conditions of Supply.

Learned counsel for the non-petitioners has invited the attention of this Court towards the judgment rendered by Hon'ble Supreme Court in case of Punjab State Electricity Board & Anr. Vs. Ashwani Kumar, reported in JT 1997 (5) S.C. 182 and prayed that the petitioner is free to avail the alternative remedy by way of approaching the Settlement Committee.

Learned counsel for the petitioner has contended that the electricity connection was taken in the name of Shri Navratan before more than 70 years ago and Late Shri Navratan was his grand father and at

present the premises is in the possession of his family members of the petitioner. Therefore, question of locus standi in this case is not tenable.

In my opinion, when the efficacious alternative remedy is available to the petitioner to approach before Settlement Committee of the respondent - Corporation, then he has to approach first before the Settlement Committee.

Accordingly, the writ petition is disposed of with the liberty to the petitioner to file his claim before the Settlement Committee within a period of one month from today and upon filing such claim before the Settlement Committee of the respondents, the Settlement Committee is directed to decide the matter in accordance with law after considering all the grounds taken by the petitioner and pass speaking order.

(GOPAL KRISHAN VYAS), J .

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